

Appl. No. 10/755,458  
Response to Office Action dated March 6, 2006  
000073874/0029/721669-1

### **REMARKS**

Claims 1-17 remain pending in the application. Independent claims 1, 9 and 16 have been amended in this response. Dependent claims 18-20 have been added for consideration by the Examiner.

In the Office Action dated March 6, 2006, the Examiner rejected independent claims 1 and 9, along with dependent claims 2, 4-5, 8-10, 12, and 15 under 35 USC §102(b) as anticipated by Meyers et al. (US Pat. No. 6,062,178). The Examiner rejected independent claim 16, along with dependent claims 6-7, 13-14, and 16-17 under 35 USC § 103(a) as being unpatentable over Meyers et al. in view of Shimada (JP 56-88910). Dependent claims 3 and 11 were rejected under 35 USC § 103(a) as being unpatentable over Meyers et al. in view of Hansel et al. (US Pat. No. 5,541,385).

Applicant's novel invention is directed to and now more clearly claims a system for improving the power of a naturally aspirated internal combustion engine by reducing back pressure in the exhaust gas system, thereby increasing the mass flow rate of fresh air into the combustion cylinders, bettering the scavenging in the combustion cylinders, and decreasing the work required to pump exhaust gas from the engine through the exhaust system. Applicant teaches a pumping unit in series with the exhaust system. A bypass passage is also provided and may be opened simultaneously with the pumping unit to aid in expressing exhaust.

Meyers et al. teaches, and the Examiner acknowledges, adapting a two-cycle internal combustion engine having a turbocharger or supercharger to improve low load conditions. This is in sharp contrast to Applicant's invention directed to a naturally-aspirated engine, which by definition is neither turbocharged nor supercharged. This distinction is paramount to the novelty of Applicant's invention. It is well known in the art to improve the power of an internal combustion engine by implementing a turbocharger or supercharger as taught by Meyers et al. The novelty lies in improving the power of an internal combustion engine WITHOUT using a turbocharger or supercharger as taught by

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Applicant's invention, where racing circuits such as NASCAR, Indycar, and Formula One specify naturally aspirated engines.

Additionally, Meyers et al. teaches and claims a uni-flow, two cycle internal combustion engine that is provided with an exhaust bypass conduit with pump. This system is not integrated with the standard exhaust system. Rather, the bypass system of Meyers et al. is separate and apart from the turbocharger/supercharger. When the bypass conduit and pump are activated, the turbocharger/supercharger is deactivated. Neither system provides a pumping system in series with the original exhaust system that may be used in conjunction with the bypass valve as taught and claimed by Applicant.

The Examiner relies on Shimada for the teaching of a catalytic converter within an exhaust system. Shimada does not add to the teachings of Meyers et al. to overcome Applicant's invention.

The remaining art cited by the Examiner has been reviewed by Applicant and not considered relevant to the patentability of Applicant's novel invention.

The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled in view of the prior art.

By amending the application, Applicant does not concede that the patent coverage available to him would not extend as far as the original claim. Rather, Applicant intends to file a continuation application to pursue the breadth of the claims as filed. Applicant believes that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicant has recited in his claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicant from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp.

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v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002).

Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled.

### **CONCLUSIONS**

In view of Applicant's amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicant submits that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 258-3877.

If for some reason Applicant has not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 12-2136 for any fee which may be due.